

Office of the Chief Counsel
800 Independence Avenue SW
Washington, DC 20591

24 November 2021

Subject: Hot-Air Balloon (LTA) mandatory Certification Clarification, FAR 61.129 (h) (ii)

To the Office of Chief Counsel:

I am requesting a clarification to the rule pertaining to 14 CFR 61.129 (h) (ii) that applies for mandatory pilot certification process. 14 CFR FAR 61.129 requires mandatory requirements for the Commercial Category/Class certification process by a pilot applicant. After reviewing FAR 61.129 (h) (ii) and discussing the certification process with Flight Instructors and FAA Designated Pilot Examiners, I have concluded that there is a misunderstanding of the current rule interpretation and there needs to be a clarification for proper rule compliance.

FAR 61.129 (h) (ii) states:

(ii) For a balloon with an airborne heater –

(A) Two training flights of 1 hour each in a balloon with an airborne heater with an authorized instructor in preparation for the practical test within the preceding 2 calendar months from the month of the test;

(B) Two solo flights in a balloon with an airborne heater on the appropriate areas of operation; and

(C) One flight involving a controlled ascent to 3,000 feet above the launch site.

The current interpretation by general aviation public (LTA community) is that (C) is conducted as a “dual flight (training flight) versus solo.

What needs clarity is (ii) (C). The key word is “and” at the end of sentence (B). The definition of “and” as per Webster: “used to connect words of the same part of speech, clauses, or sentences, that are to be taken jointly.”

Based on the above, I would interpret (B) to continue into (C) which concludes that (C)’s requirement would be conducted as “solo”. Since (C) is the same continuation as (B) (solo flights).

Thank you in accepting this in advanced I am.

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